

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

THE TRIAL LAWYERS COLLEGE, a
nonprofit corporation,

Plaintiff and Counterclaim Defendant,

vs.

GERRY SPENCES TRIAL LAWYERS
COLLEGE AT THUNDERHEAD RANCH, a
nonprofit corporation, and GERALD L.
SPENCE, JOHN ZELBST, REX PARRIS,
JOSEPH H. LOW, KENT SPENCE, and
DANIEL AMBROSE, individuals, and
GERRY SPENCE METHOD AT
THUNDERHEAD RANCH, INC., a nonprofit
corporation,

Defendants,

and JOHN JOYCE,

Defendant, Counterclaim Plaintiff, and
Third-Party Plaintiff,

vs.

F WARRIORS,

Third-Party Defendant.

Case Number: 1:20-CV-00080-JMC-GJF

THIRD SUPPLEMENTAL DISCOVERY ORDER

The Court has completed its review of 73 ostensibly privileged documents that TLC submitted for *in camera* inspection on July 14, 2022, in compliance with an order issued by the Court during the July 7, 2022, hearing. *See* ECFs 385 (discovery order) at 2-3; 389 (clerk's minutes) at 3.

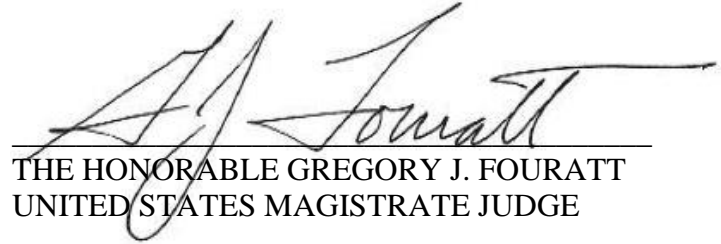
For the reasons stated during the hearing, the Court finds and concludes that TLC waived any privilege pertaining to the documents listed below by failing without sufficient excuse to timely log these documents and timely disclose the log to Defendants. The Court further finds that TLC waited some eighteen *months* to create a privilege log and finally disclosed it near the end of the discovery period, thereby depriving Defendants of a reasonable opportunity to inspect the log and challenge any of its entries.

Consequently, not later than **July 29, 2022**, TLC must disclose to Defendants the documents (and any attachments embedded therein) with the following numbers as they appear on TLC's privilege log:

- | | |
|-----------|-----------------------------|
| - 001 | - 151-154 |
| - 0023 | - 161 |
| - 034-037 | - 169 |
| - 060-063 | - 172 |
| - 113 | - 176-179 |
| - 116 | - 181-187 |
| - 124-127 | - 191-199 |
| - 130-133 | - 201 |
| - 137-140 | - 248 (but only pages 2-22) |

In its discretion, the Court will *not* require TLC at this time to disclose any other document or portion of any other document listed on its privilege log. The Court notes that some twenty of the documents submitted for its inspection involved correspondence in which one or more of TLC's litigation counsel participated or were copied. Pursuant to the parties' agreement, because these documents were created during the course of this federal litigation and were created by or sent to litigation counsel, these documents did not need to be logged.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE